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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 THEODORE HEINEMANN,

11 Plaintiff,

12 v.

13 UNITED CONTINENTAL AIRLINES,

14 Defendant.

CASE NO. 2:11-CV-00002-MJP

ORDER ON MOTION FOR  
RECONSIDERATION

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16 The Court is in receipt of Plaintiff's "Motion to amend summery [sic] judgment of suit to  
17 the 9th district court of appeals in Seattle Washington." Dkt. No. 39. Plaintiff cites to FRCP  
18 59(d) which is directed at requests for a new trial. Since Plaintiff's claims were dismissed on  
19 summary judgment there was no trial in his matter, so the Court will treat his motion as a motion  
20 for reconsideration of the summary judgment ruling (Dkt. No. 37) pursuant to LR 7(h).

21 IT IS ORDERED that Plaintiff's motion for reconsideration is DENIED.

22 "Motions for reconsideration are disfavored. The Court will ordinarily deny such  
23 motions in the absence of a showing of manifest error in the prior ruling or a showing of new  
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1 facts or legal authority which could not have been brought to its attention earlier with reasonable  
2 diligence.” LR 7(h).

3 Plaintiff’s motion appears to allege the existence of evidence proving that he suffered  
4 injuries after disembarking the flight on which the incidents at issue occurred. Since the “Fire  
5 Run Report” submitted as an attachment (and which Plaintiff cites as proof of his injuries)  
6 clearly states “[U]pon arrival RP states he just needs to takes his meds, no injury or illness,” (Id.  
7 at 6), the Court is at a loss to understand how the evidence corroborates Plaintiff’s claim. But  
8 even if it somehow did support his allegations, he makes no showing as to why he could not have  
9 produced this evidence in conjunction with his responsive pleadings to Defendant’s summary  
10 judgment motion. These are not “new facts... which could not have been brought to [the  
11 Court’s] attention earlier with reasonable diligence.”

12 The motion for reconsideration will be DENIED.

13 The clerk is ordered to provide copies of this order to all counsel.

14 Dated this \_15th\_ day of June, 2011.

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17 Marsha J. Pechman  
18 United States District Judge  
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